

## Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 EB-07 COME-00 JUSE-00 TRSE-00

CIAE-00 INR-07 NSAE-00 /030 W  
----- 127632

R 301615Z APR 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 8510

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FOR L/PM

E.O. 11652: N/A

TAGS: PGOV PFOR

SUBJECT: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS

ABROAD: FRG LAW

REF: STATE 94647

1. PRELIMINARY REPLIES TO QUESTIONS POSED IN PARA TWO, REFTEL FOLLOW. INCOMPLETE INQUIRIES BY EMBASSY SO FAR HAVE REQUIRED CONTACTING MANY DIFFERENT PARTS OF JUSTICE MINISTRY AND HAVE MADE IT CLEAR THAT FOR INFORMATION ON INTERNAL REGULATIONS OF PERTINENT MINISTRIES, LEGAL OR OTHER COMPETENT SECTION OF THOSE MINISTRIES MUST BE ASKED. ANSWERS GIVEN BELOW ARE THEREFORE PRELIMINARY, AND EMBASSY HOPES TO BE ABLE FOLLOW UP WITH MORE COMPLETE AND RELIABLE REPLIES BY MAY 5.

2. REPLIES SHOWN CORRESPOND TO QUESTIONS IN PARA TWO, REFTEL HAVING SAME LETTER:

A. YES, SEE SECTIONS 331 AND 332 OF FRG CRIMINAL CODE RE PASSIVE, AND PARAS 333 AND 334 RE ACTIVE, "BRIBERY."

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C. NO, INSOFAR AS COMMERICAL LAW REGULATING MATTERS BETWEEN PRIVATE PARTIES IS CONCERNED. HOWEVER, WHEN FEDERAL GOVERNMENT IS PARTY, I.E. PURCHASER OR INVESTOR, IT IS CIVIL CODE AND NOT COMMERCIAL WHICH APPLIES. EMBASSY HAS NOT YET SPOKEN TO FMOD, THE MAJOR GOVERNMENT MINISTRY LIKELY TO HAVE RELEVANT TYPES OF TRANSACTIONS, TO DETERMINE THEIR VIEWS ON PROPER ANSWER TO THIS QUESTION BASED EITHER ON CIVIL CODE OR FMOD INTERNAL REGULATIONS.

D. AND E. WE HAVE COMPILED LIST OF PERSONS IN JUSTICE MINISTRY WHO ARE THOUGHT BY OTHERS TO BE KNOWLEDGEABLE ON THESE QUESTIONS, BASED ON THEIR COMPETENCE RE LAWS GOVERNING MEMBERS OF PARLIAMENT OR POLITICAL PARTIES. WE HOPE TO OBTAIN ANSWERS AND PUT TOGETHER CONSENSUS EARLY NEXT WEEK.

F. NO. HOWEVER, DEPENDING ON FORM OF EFFORT TO INFLUENCE, EFFORT MAY RUN AFOUL OF GENERAL PROVISIONS OF CRIMINAL CODE.  
HILLENBRAND

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CABINET, BRIBERY, COMMITTEES, BUSINESS FIRMS, FOREIGN INVESTMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 30 APR 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ShawDG  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976BONN07285  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760167-0071  
**From:** BONN  
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**Legacy Key:** link1976/newtext/t1976045/aaaaadcq.tel  
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**Office:** ACTION L  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 STATE 94647  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ShawDG  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 28 APR 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <28 APR 2004 by izenbei0>; APPROVED <16 AUG 2004 by ShawDG>  
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**Secure:** OPEN  
**Status:** NATIVE  
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**TAGS:** PGOV, PFOR, US  
**To:** STATE  
**Type:** TE  
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